

Notice of Allowability

Application No.

10/728,357

Examiner

Joanne Hama, Ph.D.

Applicant(s)

DOUCETTE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/21/05.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The Examiner spoke with Mr. Patrick Pacella on January 17, 2006 to ask if the following amendments to the claims and specification could be made. Mr. Pacella approved the changes.

The application has been amended as follows:

Cancel claims 9-20.

In claim 1, line 3, the word, "intraperitoneally" was inserted in place of "intraperiotneally".

In claim 2, line 1, the word, "The" was inserted in place of "A".

In claim 3, line 1, the word, "The" was inserted in place of "A".

In claim 4, line 1, the word, "The" was inserted in place of "A".

In claim 5, line 1, the word, "The" was inserted in place of "A".

In claim 5, line 4, the phrase, "μg/kg" was inserted in place of "g/kg".

In claim 6, line 1, the word, "The" was inserted in place of "A".

In claim 6, line 4, the phrase, "μg/kg" was inserted in place of "g/kg".

In claim 7, line 1, the word, "The" was inserted in place of "A".

In claim 7, line 4, the phrase, "μg/kg" was inserted in place of "g/kg".

In claim 8, line 1, the word, "The" was inserted in place of "A".

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In claim 8, line 4, the phrase, "µg/kg" was inserted in place of "g/kg".

In the specification, page 17, line 26, the word, "mRNA," was inserted in place of "mRNA".

In the specification, page 17, lines 27-28, the phrase, "(5'GTCC-TCTG-CTGG-CGCG-TCCT-CGCC-CGGA-TTGT-CCGG-CTTG-GAGG-GGTA3'," was deleted.

In the specification, page 17, line 29, the word, "mRNA," was inserted in place of "mRNA".

In the specification, page 17, lines 29-30, the phrase, "(5'GGTC-TCGT-AGAA-ATAT-TGGT-TCAG-TTGG-CCTT-TTGA-TACC-GGGAC3'," was deleted.

The following is an examiner's statement of reasons for allowance: the claimed invention is drawn to a method of inducing a permanent change in the neurological development of a rat, said method comprising injecting said rat intraperitoneally or subcutaneously during the second postnatal week with repeated subconvulsive doses of domoic acid or kainic acid, said doses being a minimum of about 5 ug/kg for domoic acid and a minimum of about 25ug/kg for kainic acid wherein after the second postnatal week the rat exhibits seizure-like symptoms when exposed to a mild to moderate stressor that would not normally elicit a seizure.

The invention is novel because nothing in the art of record indicates a method of using repeated, subconvulsive doses of kainic acid or domoic acid during the second postnatal week in a rat, such that said rat can then be used as a model comprising

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lasting behavioral, neurochemical, and neuroanatomical characteristics of seizure disorders.

Regarding the specification amendments for the sequences listed on page 17, the Examiner checked the Larsen et al. reference for guidance on obtaining the described preproNPY sequence and the Zetterstrom et al. reference for guidance on obtaining the BDNF sequence. Both references describe how to obtain one specific sequence.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is (571) 272-2911. The examiner can normally be reached on Monday-Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, Ph.D. can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JH



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